

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NIKE, INC.,

Plaintiff,

v.

SKECHERS U.S.A., INC.

Defendant.

Case No. 2:23-cv-09356-AB (PVCx)

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

Pursuant to this Court’s March 28, 2024 Order (ECF No. 49), Plaintiff Nike, Inc. (“Nike”) and Defendant Skechers U.S.A., Inc. (“Skechers”) (collectively, the “Parties”) hereby jointly submit this Joint Claim Construction and Prehearing Statement.

I. The Construction of Terms on Which the Parties Agree

The Parties agree on the following constructions:

Claim Term	Agreed Construction
“unitary construction” (‘749 patent, ‘484 patent)	“configuration wherein portions of a textile element are not joined together by seams or other connections”
“unitary knit construction” (‘562 patent, ‘636 patent)	“formed as a one-piece element through a knitting process”
“ribs integrally knitted” (‘781 patent)	“a structure made of face wales and back wales wherein lengthwise ridges are formed on both sides of the fabric by pulling stitches first to the face and next to the back of the fabric in adjacent stitches or groups of stitches”
“ribs” (‘781 patent)	“ribs integrally knitted”
“central portion having a domed, three-dimensional structure” (‘484 patent)	“central portion having a domed, three-dimensional structure formed during the flat-knitting process, and not afterward”

II. Proposed Construction of Disputed Terms

The Parties’ proposed constructions of all disputed terms are set forth in Exhibit A along with an identification of intrinsic and extrinsic evidence on which each party currently intends to rely to support its proposed constructions or oppose the other party’s proposed constructions.

1 **III. Parties' Further Agreements Regarding Claim Construction**

2 Neither party will be submitting an expert declaration in support of its opening or
3 responsive briefs or bringing an expert to testify at the claim construction hearing.

4 Dated: May 15, 2024

5 By: /s/ Bridgette C. Gershoni

6 By: /s/ Keith A. Orso

7 Christopher J. Renk (admitted *pro hac vice*)
Chris.Renk@arnoldporter.com
8 Michael J. Harris (admitted *pro hac vice*)
Michael.Harris@arnoldporter.com
9 ARNOLD & PORTER KAYE SCHOLER
LLP
70 West Madison Street, Suite 4200
10 Chicago, Illinois 60602-4231
Telephone: (312) 583-2300

11 Bridgette C. Gershoni (SBN 313806)
Bridgette.Gershoni@arnoldporter.com
12 Michael J. Gershoni (SBN 311192)
Michael.Gershoni@arnoldporter.com
13 601 Massachusetts Ave., NW
Washington, D.C., 20001
14 Telephone: (202) 942-6745

15 Hilda Obeng (admitted *pro hac vice*)
Hilda.Obeng@arnoldporter.com
16 ARNOLD & PORTER KAYE SCHOLER
LLP
250 West 55th Street
17 New York, NY 10019-9710
Telephone: (212) 836-7883

18 Michael Sebba (SBN 345439)
Michael.Sebba@arnoldporter.com
20 ARNOLD & PORTER KAYE SCHOLER
LLP
21 777 South Figueroa Street, 44th Floor
22 Los Angeles, CA 90017-5844
Telephone: (213) 243-4000

23 *Attorneys for Plaintiff and Counterclaim-*
24 *Defendant Nike, Inc.*

Morgan Chu
mchu@irell.com
Samuel K. Lu
slu@irell.com
Keith A. Orso
korso@irell.com
Thomas C. Werner
twerner@irell.com
IRELL & MANELLA LLP
1800 Avenue Of The Stars, Suite 900
Los Angeles, CA 90067
Telephone: (310) 277-1010
Facsimile: (310) 203-7199

Attorneys for Defendant
And Counterclaim-Plaintiff
SKECHERS U.S.A., INC.

ATTESTATION OF CONCURRENCE

I, Bridgette Gershoni, am the ECF User whose ID and password are being used to file this **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**. I attest that, pursuant to United States District Court, Central District of California Local Rule 5-4.3.4(a)(2), all other signatories listed above on whose behalf this filing is submitted concur in the filing's content and have authorized this filing.

Dated: May 15, 2024

/s/Bridgette Gershoni
Bridgette Gershoni